

Appl. No. 10/612,688
Amendt. dated April 6, 2005
Reply to Office Action of January 7, 2005

REMARKS / ARGUMENTS

By the present amendment to the specification of the above referenced application, and by the attached "Declaration Under Rule 1.132", it is respectfully urged that the concerns raised by the Examiner in his January 7, 2004 First Office Action have been resolved. Therefore, reconsideration and allowance of the specification and pending claims are hereby requested.

I. INVENTION OVERVIEW

The invention is a passive water management system for a fuel cell power plant that includes an anode fuel flow field adjacent a fuel cell electrolyte that defines a fuel path between a fuel inlet and a fuel outlet. The plant includes a cooler plate secured in heat exchange relationship with the anode fuel flow field and the cooler plate defines a coolant path between a coolant inlet and a coolant outlet. The fuel path has a width that is about the same as a width of the coolant path where the fuel path and the coolant path are closest to each other, and the fuel path substantially overlies the coolant path to minimize a temperature differential between fuel flowing through the fuel path and the closest cooling fluid flowing through the coolant path, thereby reducing evaporation of water from water management flow fields and/or the electrolyte into the fuel within the fuel path.

II. RESPONSE TO OFFICE ACTION

In the First Office Action of January 7, 2005, at Section 3, the Examiner has required correction of the disclosure by amendment

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to update the status of the U.S. Patent Application cited on page 2. By this amendment, the status has been updated to identify U.S. Patent No. US 6,794,077 B2.

Next, at Section 4, the Examiner has rejected Claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by the above referenced U.S. Patent No. 6,794,077 to Yi et al. The Examiner has pointed out that this "rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention 'by another,'" By the present amendment, a "Declaration Under Rule 1.132" signed by the applicant has been attached as Exhibit A. Pursuant to the "Manual of Patent Examining Procedure" Section 716.10, the attached Declaration presents an "uncontradicted 'unequivocal statement' from the applicant regarding the subject matter disclosed in the ... patent ... establishing inventorship." Additionally, the Declaration establishes a showing that the inventorship of the above referenced application is correct because the Declaration shows that the reference Patent to Yi et al. discloses subject matter derived from the applicant and not invented by the other inventors in the reference. The Declaration establishes that the subject matter disclosed in the reference but not claimed, but which is now claimed in the above referenced application, was invented by the applicant and not by the other joint inventors of the Yi et al. reference, because the Declaration establishes that the declarant is the "sole inventor" of the subject matter claimed

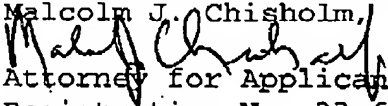
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in above referenced patent application, and disclosed in the Yi et al. reference.

Consequently it is urged that Yi et al. be removed as a reference. Removing Yi et al. as a reference will resolve the Examiner's only basis for rejection of claims 1 and 2. At section 5, the Examiner has rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Yi et al. in view of U.S. Patent No. 6,322,915 to Collins. Removing Yi et al. as a reference for the reasons recited above will therefore also remove the basis for the Examiner's rejection of claim 3.

III. CONCLUSION

By the present amendment, the substantive concerns of the Examiner raised in his First Office Action have been resolved. Additionally, the objection to the disclosure has also been remedied. Therefore, the application and its pending claims are believed to have been placed in condition for allowance. Accordingly, it is respectfully requested that a Notice of Allowance be issued.

Respectfully submitted,
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